

____.B. NO.____

A BILL FOR AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 383-23.5, Hawaii Revised Statutes, is amended to read as follows:

"§383-23.5 Retirement payments. (a) For any week with respect to which an individual is receiving a pension [~~+~~]which for purposes of this section shall include a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment[~~+~~] under a plan maintained or contributed to by a base period or chargeable employer [~~as determined under applicable law~~], the weekly benefit amount payable to such individual for such week shall be reduced (but not below zero):

(1) By one-half the prorated weekly amount of the pension if at least half but less than one hundred per cent of the contributions to the plan were provided by such individual; or

(2) By the entire prorated weekly amount of the pension if paragraph (1) or paragraph (3) does not apply; or

____.B. NO.____

(3) By no part of the pension if the entire contributions to the plan were provided by such individual, or by the individual and an employer (or any other person or organization) who is not a base period or chargeable employer as determined under applicable law.

(b) No reduction shall be made under this section by reason of the receipt of a pension if the services performed by the individual during the base period (or remuneration received for such services) for such employer did not affect the individual's eligibility for, or increase the amount of, such pension~~[, retirement or retired pay, annuity, or similar payment]~~. The conditions specified by this subsection shall not apply to pensions paid under the federal Social Security Act or the Railroad Retirement Act of 1974, or the corresponding provisions of prior law. Payments made under those Acts shall be treated solely in the manner specified by subsection (a) (1), (2), and (3).

(c) Subsections (a) and (b) shall only apply to new claims filed with an effective date prior to January 1, 2006.

(d) With respect to new claims filed with an effective date beginning on or after January 1, 2006:

____.B. NO.____

1 (1) For any week with respect to which an individual is
2 receiving a pension under a plan maintained or
3 contributed to by a base period or chargeable
4 employer, the weekly benefit amount payable to such
5 individual for such week shall be reduced (but not
6 below zero) by an amount equal to the amount of the
7 pension which is reasonably attributable to that week.
8 For this paragraph to apply, the services performed
9 for the employer by the individual in the base period
10 (or the remuneration for such services) must affect
11 eligibility for, or increase the amount of, such
12 pension.

13 (2) Paragraph (1) shall not apply to any pension if the
14 individual has made any contribution to the plan
15 maintained by the base period or chargeable employer."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

20 INTRODUCED BY: _____

21 BY REQUEST